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Attorney Docket No. 5656-33

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Ideker

Serial No.: 10/648,162

Filed: August 26, 2003

For: *Methods, Systems And Computer Program Products For Selectively Initiating Interventional Therapy To Reduce The Risk Of Arrhythmia*

Confirmation No.: 3541

Group Art Unit: 3736

Date: December 30, 2003

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of August 26, 2003 rather than August 27, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of August 26, 2003 being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 3;
2. A true and accurate copy of the Express Mail Receipt marked by the United States Postal Service ("USPS") as a "date-in" or deposit date of August 26, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of August 26, 2003 instead of the Express Mail date of August 27, 2003.

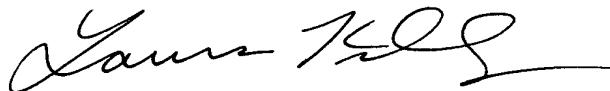
This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of August 26, 2003 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the

In re: Ideker  
Serial No.: 10/648,162  
Page 2

need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



Laura M. Kelley  
Attorney For Applicant  
Registration No. 48,441

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on December 30, 2003.



Carey Gregory



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5656-33  
DATE: August 26, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

a patent application  
 a Continuation     a Divisional     a Continuation-in-Part (CIP)    Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
 and claims the benefit of Provisional Application No. \_\_\_\_\_; filed \_\_\_\_\_.

Inventor(s) or Application Identifier:

**Raymond E. Ideker**

Entitled: **METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR SELECTIVELY INITIATING INTERVENTIONAL THERAPY TO REDUCE THE RISK OF ARRHYTHMIA**

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

Enclosed are:

1.  Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2.  23 pages of Specification (including 54 claims)
3.  6 sheets of Formal Drawings (35 USC 113)
4.  Oath or Declaration
  - a.  newly executed (*original or copy*)
  - b.  copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below])
  - c.  DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5.  Application Data Sheet. See 37 CFR 1.76

6.  Incorporation By Reference (*useable if box 4b is checked*)  
 The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7.  Microfiche Computer Program (*Appendix*)

8.  Assignment papers (*cover sheet(s) and document(s)*)

9.  Applicant claims small entity status. See 37 CFR § 1.27.

10.  Information Disclosure Statement, PTO-1449, and 6 references cited

11.  Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)

12.  English Translation Document

13.  Certified Copy of Application No. ; Filed

14.  Sequence Listing/ Sequence Listing Diskette
 

- a.  computer readable copy
- b.  paper copy
- c.  statement in support

15.  An Associate Power of Attorney

16.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)

17.  Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate	Large Entity Rate
BASIC FEE			\$375.00	\$ 750.00
TOTAL CLAIMS	54 - 20 =	34	x 09 = \$	x 18 = \$ 612.00
INDEP CLAIMS	3 - 3 =	0	x 42 = \$	x 84 = \$
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 140 = \$	+ 280 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$1362.00

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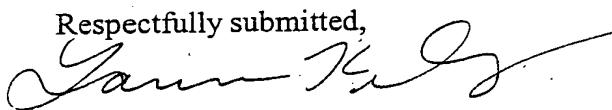
A check in the amount of \$1402.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).

Please charge my Deposit Account No. 50-0220 in the amount of \$

The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
 

- a.  Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
- b.  Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



Laura M. Kelley  
Registration No. 48,441

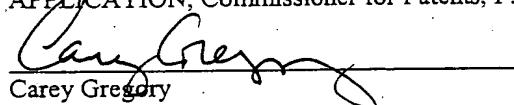


### CERTIFICATE OF EXPRESS MAILING

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Mail Stop Patent Application  
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M.S. Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Lucky

Date: 8-26-03

Doc. No. 5658-23

Serial No. TCA

Inventor: Ideker

Sir: Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailing:

Application Transmittal and:

Specification pages 20

No. of Claims 54

Declaration & POA

Assignment and Fee

Small Entity Statement

Formal Drawings/ 16 sheets

Associate Power of Attorney

Exp. Mail 1st Class Mail

Other: \* 5 US patents/applications (not enclosed)  
and 1 non-patent reference enclosed

Check S 1402

IDS & PTO-1449 & 80 refs.\*

Amendment & Amend. Transmittal

Preliminary Amendment

Issue Fee

Brief

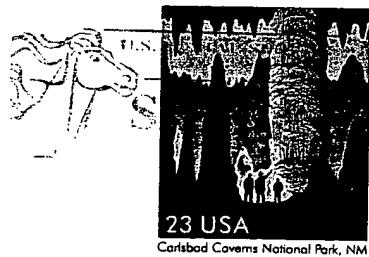
Appeal

Submittal of Priority Doc.

Respectfully submitted,

MYERS BIGEL SIBLEY & SAJOVEC, P.A.

Attorneys for Applicant



19587 U.S. PTO  
10/648162



08/27/03

MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
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